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AUG 30 2006
FILED

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

HAWAIIAN EXPRESS SERVICE, INC.,
a California corporation; et al.,

Defendants - Appellees.

No. 06-16199

D.C. No. CV-03-00385-SOM

District of Hawaii,
Honolulu

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

ORDER

SEP 01 2006

at 12 o'clock and 45 min. M
SUE BEITIA, CLERK

Appellants' motion to dismiss with prejudice appellees H.E.S. Transportation Services, Inc., and California Pacific Consolidators, Inc. is granted.

A certified copy of this order shall act as and for the mandate of this court as to the above-named parties only.

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

AUG 30 2006

Deputy Clerk

For the Court:
CATHY A. CATTERSON
Clerk of the Court

Cathie A. Gottlieb

Deputy Clerk

Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit Rule 27-10

pro 08.21

INTERNAL USE ONLY: Events between 1/1/06 and 1/1/06.
06-16199 Berry v. Hawaiian Express, et al

WAYNE BERRY, a Hawaii citizen
Plaintiff - Appellant

Timothy J. Hogan, Esq.
808/528-0100
#1405
[COR LD NTC ret]
Lynch Ichida Thompson & Kim
1132 Bishop Street
Honolulu, HI 96813

v.

HAWAIIAN EXPRESS SERVICE, INC.,
a California corporation
Defendant - Appellee
[term 08/15/06]

H.E.S. TRANSPORTATION SERVICES
INC., a California corporation
Defendant - Appellee

Roy J. Tjioe
547-5600
[COR LD NTC ret]
Emily Reber Porter, Esq.
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CALIFORNIA PACIFIC
CONSOLIDATORS, INC., a
California corporation
Defendant - Appellee

Roy J. Tjioe
(See above)
[COR LD NTC ret]
Emily Reber Porter, Esq.
(See above)
[COR LD NTC ret]

Karen L.S. Gabler, Esq.
(See above)
[COR LD NTC ret]

JEFFREY P. GRAHAM
Defendant - Appellee
[term 08/15/06]

PETER SCHAUL
Defendant - Appellee

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 06-16199 Berry v. Hawaiian Express, et al

[term 08/15/06]

MARK DILLON Defendant - Appellee	Lyle S. Hosoda, Esq. FAX 808/524-3838 808/524-3700 Suite 804 [COR LD NTC ret] Christopher T. Chun, Esq. 808-524-3700 Suite 804 [COR LD NTC ret] LYLE S. HOSODA & ASSOCIATES Queen Street Building 345 Queen Street Honolulu, HI 96813
TERESA NOA Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
BRIAN CHRISTENSEN Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
FLEMING COMPANIES, INC., an Oklahoma Corporation Defendant - Appellee	Ann Teranishi 808/539-8700 Suite 2600 [COR LD NTC ret] Kobayashi Suita & Goda First Hawaiian Center 999 Bishop St. Honolulu, HI 96813-3889
C & S LOGISTICS OF HAWAII, LLC, a Delaware LLC Defendant - Appellee	Damian Capozzola FAX 680-8500 213 213-680-8400 [COR LD NTC ret] KIRKLAND & ELLIS, LLP 777 S. Figueroa St. Los Angeles, CA 90017-5800
C & S WHOLESALE GROCERS, INC., a Vermont Corporation Defendant - Appellee	Ann Teranishi (See above) [COR LD NTC ret]

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06-16199 Berry v. Hawaiian Express, et al

C & S ACQUISITIONS, LLC
Defendant - Appellee

Ann Teranishi
(See above)
[COR LD NTC ret]

FOODLAND SUPER MARKET, LTD, a
Hawaii Corporation
Defendant - Appellee
[term 08/15/06]

HAWAII TRANSFER COMPANY,
LIMITED, a Hawaii Corporation
Defendant - Appellee
[term 08/15/06]

RICHARD COHEN, a New Hampshire
citizen
Defendant - Appellee

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ES3 LLC, a Delaware Limited
Liability Company
Defendant - Appellee

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(See above)
[COR LD NTC ret]

MELVIN PONCE, Hawaii citizen
Defendant - Appellee

Lyle S. Hosoda, Esq.
(See above)
[COR LD NTC ret]
Christopher T. Chun, Esq.
(See above)
[COR LD NTC ret]

SONIA PURDY, Hawaii citizen
Defendant - Appellee

Lyle S. Hosoda, Esq.
(See above)
[COR LD NTC ret]
Christopher T. Chun, Esq.
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[COR LD NTC ret]

JUSTIN FUKUMOTO, Hawaii
citizen
Defendant - Appellee

Lyle S. Hosoda, Esq.
(See above)
[COR LD NTC ret]
Christopher T. Chun, Esq.
(See above)
[COR LD NTC ret]

AFREDDA WAIOLAMA, Hawaii
citizen
Defendant - Appellee

Lyle S. Hosoda, Esq.
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[COR LD NTC ret]
Christopher T. Chun, Esq.
(See above)
[COR LD NTC ret]

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06-16199 Berry v. Hawaiian Express, et al

JACQUELINE RIO, Hawaii citizen
Defendant - Appellee

Lyle S. Hosoda, Esq.

(See above)

[COR LD NTC ret]

Christopher T. Chun, Esq.

(See above)

[COR LD NTC ret]

JESSIE GONZALES, California
citizen

Defendant - Appellee

[term 08/15/06]

LUIZ RODRIGUES, California
citizen

Defendant - Appellee

[term 08/15/06]

AL PEREZ, California citizen

Defendant - Appellee

[term 08/15/06]

PATRICK HIRAYAMA, California
citizen

Defendant - Appellee

[term 08/15/06]

GUIDANCE SOFTWARE, LLC, a
California LLC

Defendant - Appellee

Margery S Bronster

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[COR LD NTC ret]

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John Patzakis, Esq.

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citizen

Defendant - Appellee

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[COR LD NTC ret]

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ALIX PARTNERS, LLC, a Delaware
LLC

Defendant - Appellee
[term 08/15/06]